

**Enrolled Minutes of the Seventh-Sixth Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, February 14, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, February 14, 2011 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council discussed proposed Ordinance No. 1487, and the language dealing with combined sewers
3. The Town Council discussed the desirability of appointing members to the Traffic Safety Commission, and maintaining its current membership.

The study session ended at 7:00 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 14, 2011 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Council President Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Council Members Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Town Clerk-Treasurer Michael Griffin was present. A quorum was attained.

**Additional Officials Present:** Jared Tauber, Attorney with Tauber, Westland & Bennett, PC; Jack Lannon, General Supervisor of Public Works; Peter T. Hojnicki, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Cecile Petro, Redevelopment Director; and Kathleen Dowling, IAMC, Deputy Clerk-Treasurer were present.

**Also Present:** Kevin Huzzie, Division Supervisor in Public Works; Ed Dabrowski, IT Director and Dan Stombaugh, Town Board of Metropolitan Police Commissioners, were also present.

**Minutes of the Previous Session**

The minutes of the regular meeting of 17 January 2011 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget **Parks Non-Reverting Capital Fund in the amount of \$71,291.**
  - (a) Attorney verification of Proofs of Publication: The TIMES 25 January 2011. Mr. Tauber indicated that the proofs of publication were in compliance with IC 5-3-1.
  - (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The Hearing was closed
  - (c) Action on **Appropriation Enactment No. 2011-06:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget Parks Non-Reverting Capital Fund in the amount of \$71,291.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2011-06. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2011-06. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2011-06**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PARKS NON-REVERTING CAPITAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, IC 36-10-3-20 AND IC 36-10-3-22(C).**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Parks Non-Reverting Capital Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Park Non-Reverting Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**PARKS NON-REVERTING CAPITAL FUND**

Acct. No. 420.04 Phase II Bike Trail Project:	\$ 71,291.00
Total Series:	\$ 71,291.00
<b>Total for Fund:</b>	<u><u>\$ 71,291.00</u></u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14<sup>th</sup> Day of February 2011. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 14<sup>th</sup> Day of February 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of**

HIGHLAND, INDIANA  
Brian Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for January 2011**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	3	0	3	\$108,209.00	\$1,566.50
Additions or					
Remodeling:					
Signs:	3	0	3	\$11,500.00	\$862.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	12	12	0	\$83,587.00	\$1,625.00
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences	1	1	0	\$8,357.00	\$161.00
Swimming pools:	0	0	0	\$0.00	\$0.00
Drain Tile	0	0	0	\$0.00	\$0.00
/Waterproofing					
Misc.	0	0	0	\$0.00	\$0.00
<b>Total:</b>	<b>19</b>	<b>13</b>	<b>6</b>	<b>\$211,653.00</b>	<b>\$4,215.00</b>
<b>Electrical</b>	<b>9</b>	<b>7</b>	<b>2</b>		<b>\$729.00</b>
<b>Permits</b>					
<b>Mechanical</b>	<b>3</b>	<b>2</b>	<b>1</b>		<b>\$238.50</b>
<b>Permits</b>					
<b>Plumbing</b>	<b>7</b>	<b>6</b>	<b>1</b>		<b>\$780.50</b>
<b>Permits</b>					
<b>Water Meters</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Water Taps</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Sewer/Storm</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>\$0.00</b>
<b>Taps</b>					
<b>Total:</b>	<b>7</b>	<b>6</b>	<b>1</b>		<b>\$780.00</b>

**January Code Enforcement:** 119 warnings issued and 17 citations were issued.

There were 32 building inspections, 7 plumbing inspections, and 23 electrical inspections. There were two (2) electrical exams given.

• **Fire Department Report for December 2010**

	Month	Y.T.D.
General Alarms	9	139
Car Fires	1	14
Still Alarms	8	68
Paid still alarms	3	0

• **Fire Department Report for January 2011**

	Month	Y.T.D.
General Alarms	7	7
Car Fires	3	3
Still Alarms	2	2
Paid still alarms	2	0

• **Workplace Safety Report for January 2011**

There was one incident in January. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	3	25	3
Fire	0	0	2	0	0	0	0
Police	0	0	9	0	0	39	23
Street	0	0	1	0	0	0	0
Water & Sewer	0	0	1	0	18	88	0
Maint.	0	0	1	0	0	68	0
Other	1	1	2	0	0	0	0
<b>TOTALS</b>	1	1	18	0	18	220	26

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Appointments:**

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

**Legislative Appointments:**

1. **Traffic Safety Commission:** (6) legislative appointments • (1) Town Council representative, (2) police department representatives, (1) representative from Fire Department, (1) from Public Works and (1) from Town Board of Metropolitan Police Commissioners.

Councilor Vassar moved and Councilor Kuiper seconded, that the following persons be reappointed to the Traffic Safety Commission. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The following persons were reappointed as indicated.

Brian Novak	Town Council Member
Sgt. John Banasiak	Police Representative
William Timmer, CFOD	Fire Fighters Chief/Fire Department Representative
John Bach	Public Works Director/Public Works Dept. Rep.
Jim DeGraaf	Metropolitan Police Commission Representative
Peter T. Hojnicky	Police Representative

2. **Municipal Plan Commission:** (1) of (3) appointments, which must be an elected or appointed official or employee of the municipality.

It was noted that Councilor Kuiper had represented his desire to resign from his legislative appointment to the Plan Commission.

Councilor Vassar moved and Councilor Kuiper seconded, that **Don Haynes**, 3619 Ridge Road, Highland, be a legislative appointee to the Highland Plan Commission. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Mr. Haynes was appointed.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1487:** An Ordinance An Ordinance to Amend Chapter 171, Section § 171.40 of the Highland Municipal Code, Relating to Discharge Regulations, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-9-25 et sequitur.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1487. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be immediately considered.

After the motion for passage and adoption at the same meeting of introduction, but before its adoption, Councilor Herak moved and Councilor Kuiper seconded that the Ordinance be amended to eliminate the reference to combined sewer located in Section 171:40 (D). Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was amended.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1487. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted as amended.

**ORDINANCE No. 1487  
of the  
TOWN of HIGHLAND, INDIANA**

**An Ordinance to Amend Chapter 171, Section § 171.40 of the Highland Municipal Code, Relating to Discharge Regulations, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-9-25 et sequitur.**

**Whereas,** The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

**Whereas,** The Town of Highland, is a municipality located in Lake County which operates a Department of Public Sanitation, which has been continuously governed by the provisions of IC 36-9-25 et seq. at least since 1970; and,

**Whereas,** The Town of Highland Town Council is in receipt of a resolution adopted on December 21, 2010 by the Board of Sanitary Commissioners, which modifies Chapter 171 of the Highland Municipal Code relating to the discharge of storm water, surface water, cooling water, and the like, which supports its management of the sewage works as well as the storm water and watercourses of the Town of Highland, to be effective provided the Town Council as the legislative body approves;

**Whereas,** The Board of Sanitary Commissioners, has requested that the Town Council of the Town of Highland as the legislative body favor, approve and adopt the recommended modification of Chapter 171 and thereby put it into force and effect; and,

**Now, Therefore,** Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 171.40 of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section § 171.40 which shall read as follows:

**DISCHARGE REGULATIONS**

§ 171.40 STORM WATER, SURFACE WATER, COOLING WATER, AND THE LIKE.

- (A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or sub-surface drainage to any sanitary sewer.
- (B) Storm water and all other unpolluted waters shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by proper authorities.
- (C) Roof runoff and roof downspouts shall discharge over land and shall not connect directly to a storm sewer; unless otherwise authorized by the Board. *However, this provision shall not apply to any existing connection otherwise prohibited by this subdivision that was in place on or before February 14, 2011.*
- (D) Unpolluted water from air conditions, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available. ~~or to a combined sewer approved by the district.~~ Where a storm sewer is not

available, discharge may be to a natural outlet approved by the district and by the state. Where a storm sewer, ~~combined-sewer~~, or natural sewer is not available, such unpolluted water may be discharged into a sanitary sewer by obtaining a written approval by the Board.

- (E) Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water, shall be discharged in accordance with division (D).

**Section 2. Schedule of Implementation.** The provisions of this Ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a) and its publication in the manner provided by IC 36-1-5 and IC 5-3-1, if applicable.

Introduced and Filed on the 14<sup>th</sup> day of February 2011. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

**ADOPTED** this 14<sup>th</sup> day of February 2011 by the Town Council of the Town of Highland, Lake County, Indiana, by a vote of 5 in favor of adoption and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2011-04:** An Order Authorizing and Approving a Contribution to the Indiana League of Municipal Clerks and Treasurers, a Voluntary Professional Association of Indiana Municipal Clerks and Clerk-Treasurers in support of its Seventy-fifth Annual Conference to be Conducted in Northwest Indiana.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2011-04. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
WORKS BOARD ORDER NO. 2011-04**

**AN ORDER AUTHORIZING and APPROVING a CONTRIBUTION to the INDIANA LEAGUE OF MUNICIPAL CLERKS AND TREASURERS, a VOLUNTARY PROFESSIONAL ASSOCIATION of INDIANA MUNICIPAL CLERKS AND CLERK-TREASURERS in support of its SEVENTY-FIFTH ANNUAL CONFERENCE TO BE CONDUCTED in NORTHWEST INDIANA.**

**Whereas**, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq., and

**Whereas**, The Indiana League of Municipal Clerks and Treasurers was in part formed to represent the several local governments formed and in service to the inhabitants of this state, to support, educate and support the professional development of the several clerks and clerk-treasurers as public servants of those municipalities, all for the betterment of government; and

**Whereas**, Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

**Whereas**, Under its authority of IC 36-7-22-3 (4) and IC 6-9-2 et seq., which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the receipts of Innkeeper taxes to pay the expenses incurred in promoting public events and related activity; and

**Whereas**, The Indiana League of Municipal Clerks and Treasurers, through its Board and by its President, the Clerk-Treasurer of the Town of Munster, has requested that a voluntary contribution up to the amount of one thousand, dollars (\$1,000.00) be made in support of the ways and means of the ILMCT 75<sup>th</sup> annual Conference to be convened in Merrillville in June 2011; and

**Whereas**, The Town Council has reviewed the matter, and in the interest of goodwill, comity and support of the League and its conference, now desires to make an elective contribution to Indiana League of Municipal Clerks and Treasurers in support of its seventy fifth annual conference and State Board of Accounts called fiscal officers' school, to be convened in Merrillville in June 2011;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Indiana League of Municipal Clerks and Treasurers, a voluntary, professional association of Indiana municipal clerks and treasurers, in the interest of goodwill and comity and in support of its good work and its ways and means supporting its seventy fifth annual conference and State Board of Accounts called fiscal officers' school, to be convened in Merrillville in June 2011, now be paid an elective contribution in the amount of one thousand, dollars and no cents (\$1,000.00);

**Section 2.** That the Town Council hereby finds and determines that such an expense promotes the laudable interests of the Town, supports more perfect relations with other participating member units of government and is a lawful expense supporting activities which are of a civic or governmental nature;

**Section 3.** That the Town Council hereby further finds and determines that the annual conference will cause the officials and their guests of the several cities and towns of Indiana to attend, visit, contribute to and participate in the commerce of Northwest Indiana, thereby making the contribution herein authorized, supported from the resources on deposit to the credit of the Innkeeper Tax Fund, to be an expense fully consistent with the provisions of IC 6-9-2(d)(4) as well as IC 36-7-22-3(4);

**Section 4.** The Clerk-Treasurer is hereby instructed to prepare an accounts payable voucher upon the Innkeeper Tax fund on behalf of the Indiana League of Municipal Clerks and Treasurers, in support of the 75<sup>th</sup> annual conference and training, in the amount herein named.

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of February 2011 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Appropriation Enactment No. 2011-05:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Vassar introduced and moved the consideration at the same meeting of introduction of Enactment No. 2011-05. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be immediately considered.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2011-05. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted as amended.

**TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2011-05**

**An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.**

**WHEREAS**, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

**WHEREAS**, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area**, particularly represented on Clerk-Treasurer's receipt numbers 028562, 29932, and 30609, in the total amount of \$ 3,959.25 as reimbursement in support of overtime costs for detailed personnel;

**WHEREAS**, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the actual overtime personnel expenses of said municipality related to the G.R.I.T funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

**Metropolitan Police Department**

Increase Account: #111.30 Sworn Overtime	<u>\$ 3,959.25</u>
<i>Total 100 Series Increases</i>	<b>\$ 3,959.25</b>
<b>Total of All Fund Increases:</b>	<b>\$ 3,959.25</b>

**Section 2.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14<sup>th</sup> day of February 2011. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ENACTED AND ADOPTED** this 14<sup>th</sup> Day of February 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Enactment No. 2011-07:** An Enactment to Approve paid time for certain workers instructed to depart the workplace on February 2, 2011 and to Ratify the closing of the municipal building on the same date.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2011-07. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be immediately considered.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2011-07. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted as amended.

**TOWN OF HIGHLAND  
ENACTMENT NO. 2011-07**

**AN ENACTMENT TO APPROVE PAID TIME FOR CERTAIN WORKERS INSTRUCTED TO DEPART THE  
WORKPLACE ON FEBRUARY 2, 2011 AND TO RATIFY THE CLOSING OF THE MUNICIPAL BUILDING ON  
THE SAME DATE.**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of



compensation of its officers and employees; and

**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

**WHEREAS**, On February 2, 2011 a extreme snow storm event was underway, and the Town Council President in consultation with the Disaster Exigency Committee, directed that the Municipal Build be closed at 12:00 and directed workers to leave the work place before the end of the usual work schedule, and forgoing wages that would usually be earned;

**WHEREAS**, Absent action by the Town Council, the current state and municipal law governing pay would not permit workers directed to leave before the end of the regularly scheduled shift to receive pay; and,

**WHEREAS**, The Town Council believes that it is desirable to not effectively penalize the workers who were directed to leave the work place before the end of the usual work schedule, and forgoing wages that would usually be earned but were otherwise willing and ready to work until the end of the work schedule; and,

**WHEREAS**, The Town Council now desires to act to permit the pay as and to ratify the action resulting in the closing of the municipal building on February 2, 2011,

**NOW, THEREFORE, BE IT HEREBY ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the closing of the municipal building at Noon on February 2, 2011 is hereby ratified and approved;

**Section 2.** That the Town Council finds and determines that the workers who were directed to conclude their regular work schedule at noon instead of the regularly scheduled end of the scheduled shift, experienced an abbreviated work schedule without choice, as such the reduction in wages earned should be ameliorated;

**Section 3.** That based upon foregoing, the Town Council authorizes, approves and directs that those workers whose pay for the workday of February 2, 2011 was reduced in consequence of the noon-time, directed-closing of the municipal building, be *increased* and *restored* in an amount that represents the lost hours of the schedule, bringing the wages for that day to the amount that it would have been had the regular eight hour schedule been worked, for the effected workers;

**Section 4.** That the forgoing action is an *elective* measure of the Town Council and shall not be construed as creating neither a precedent nor an entitlement;

**Section 5.** That the Clerk-Treasurer shall have authority to implement the objects and purposes of this enactment from the date of its passage and adoption.

Introduced and Filed on the 14<sup>th</sup> day of February 2011. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 14<sup>th</sup> day of February 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 5. Works Board Order No. 2011-05:** An Order to Approve and Ratify an Agreement between the Town of Highland Metropolitan Police Department and Anthony Balbo for Analyst Services related to Child Predator Prevention Program Conducted in Consequence of a Federal Grant supporting its operation.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2011-05. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works**

Order of the Works Board 2011-05

AN ORDER APPROVING, AUTHORIZING AND RATIFYING THE METROPOLITAN POLICE CHIEF TO ENTER AN AGREEMENT BETWEEN THE TOWN OF HIGHLAND METROPOLITAN POLICE DEPARTMENT AND ANTHONY BALBO FOR ANALYST SERVICES RELATED TO THE CHILD PREDATOR PREVENTION PROGRAM CONDUCTED IN CONSEQUENCE OF A FEDERAL GRANT SUPPORTING ITS OPERATION, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

**Whereas,** The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas,** The Metropolitan Police Chief has previously determined a need to contract for certain Contract Analyst services in conjunction with the application of the Child Sexual Predator Program Grant and has further determined that this contract qualifies as a special purchase, pursuant to Section §31.20 (I)(16) of the Highland Municipal Code;

**Whereas,** The contract price for the contracted services is in excess of \$10,000 and is for a term of 24 months, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code, requires the express approval of the purchasing agency; and

**Whereas,** The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

**Whereas,** The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas,** The purchase will supported by a duly approved appropriation in the **Child Sexual Predator Grant Fund**; and

**Whereas,** The Town Council now desires to approve, authorize and ratify the Metropolitan Police Chief to enter into a special service agreement pursuant to the terms stated herein,

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1** That the Works Board hereby finds and determines that the term and provisions of the agreement herein including but not limited to the hourly rate of \$35 per hour, not to exceed 30 hours per week are reasonable and fair;

**Section 2** That the Works Board further hereby finds and determines that the purchase does qualify as a special purchase, pursuant to IC 5-22-10 and § 31.20 (I) (10) of the Highland Municipal Code, in that purchase of the required services under another purchasing method set forth in the code would seriously impair the functioning of the using agency;

**Section 3.** That the agreement with Anthony Balbo to provide Contract Analyst services as described in the Child Predator Program Agreement, is hereby authorized, approved and ratified in each and every respect;

**Section 4.** That the Metropolitan Police Chief is now authorized, approved and ratified to execute the purchase agreement and any additional documents in order to implement this agreement from its date of August 9, 2010 and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

**Be it So Ordered.**

**DULY, PASSED, ADOPTED AND Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of February 2011 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2011-06:** An Order Finding and Determining Certain Personal Property of the Municipality as No longer needed for the Purposes for which originally acquired or as Worthless and further Authorizing and Approving Disposal or Transfer of said property

Councilor Vassar moved the passage and adoption of Works Board Order No. 2011-06. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND  
BOARD of WORKS ORDER NO. 2011-06

**AN ORDER FINDING and DETERMINING CERTAIN PERSONAL PROPERTY of the MUNICIPALITY as NO LONGER NEEDED for the PURPOSES for WHICH ORIGINALLY ACQUIRED OR AS WORTHLESS and FURTHER AUTHORIZING and APPROVING DISPOSAL OR TRANSFER of said PROPERTY**

**WHEREAS,** The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

**WHEREAS,** The Town Council has been advised by the IT Director that laptop regularly used and operated by the former IT Coordinator in consequence of IT work is an item of personal property owned by the municipality that is no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

**WHEREAS,** The IT Director had recommended that a disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.; and

**WHEREAS** The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

**NOW, THEREFORE, BE IT ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana:

**Section 1.** That the Town Council of the Town of Highland hereby finds and determines the following:

- (a) That the laptop regularly used and operated by the former IT Coordinator in consequence of IT work, an item of personal property owned by the municipality, is no longer needed, unfit for the purposes for which it was acquired, pursuant to IC 5-22-22 et seq.;
- (b) That the value of the property is less than one thousand dollars (\$1,000), pursuant to IC 5-22-22;
- (c) That the proper officers of the municipality are hereby authorized to transfer or dispose of the property, without advertising, pursuant to IC 5-22-22-6 and the provisions of IC 5-22-22 et seq.

**BE IT SO ORDERED.**

**DULY ADOPTED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 14<sup>th</sup> day of February 2011 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2011-07:** An Order Authorizing and Approving an Agreement between Garcia Consulting Engineers and the Town of Highland to perform Preliminary Engineering Design Services associated with Woodward Avenue Improvement Project, from Parkway Drive to Ridgewood Avenue.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2011-07. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN OF HIGHLAND  
ORDER OF THE WORKS BOARD NO. 2011-07

**An Order Authorizing and Approving an Agreement between Garcia Consulting Engineers and the Town of Highland to perform Preliminary Engineering Design Services associated with Woodward Avenue Improvement Project**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined that the improvement of Woodward Avenue between Parkway Avenue and Ridgewood Avenue is desirable and appropriate maintenance of the public way, now determines to implement a project to be named the Woodward Avenue Improvement Project and

**Whereas**, Garcia Consulting has offered and presented an agreement to provide and **furnish preliminary or design engineering and professional** services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the engineering services completed, in an estimated fee of Forty-four thousand, five hundred dollars (\$44,500); and

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Public Works Director is hereby authorized and approved to proceed with the improvement of Woodward Avenue, between Parkway Drive and Ridgewood Avenue to be known as the **Woodward Avenue Improvement Project**;

**Section 2.** That the Professional Engineering and Design Services proposal, (incorporated by reference and made a part of this Order) between Garcia Consulting and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

**Section 3.** That the terms and charges under the agreement for preliminary design engineering services in the not to exceed fee amount of Forty-four thousand, five hundred dollars (\$44,500) are found to be reasonable and fair;

**Section 4.** That the Town of Highland, through its Board of Works, believes that Garcia Consulting has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5 and *Section § 31.64 of the Highland Municipal Code*;

**Section 5.** That the Director of Public Works be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**Be is so Ordered.**

**DULY, PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana this 14<sup>th</sup> day of February 2011 having passed by a vote of 5 in favor and 1 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

8. Action to cancel the Regular Study Session of Monday, February 21, 2011 for Presidents Day.

Councilor Vassar moved to authorize the cancellation of the meeting of February 21, 2011. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The meeting was cancelled.

9. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

*8.1 The Metropolitan Police Chief requests favorable action for P.Vassar, who is an exempt salaried employee, and investigations division commander, in the amount of \$100 for work associated with Highland Grove Mall Special Security.*

Councilor Kuiper moved to approve the overtime payments as indicated. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives, and one abstention. With Councilors, Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The overtime payment was approved.

10. Action to authorize Web Shop as a link to the current Website. *(There is no fee for this service.)*

Councilor Vassar moved to authorize the Redevelopment Director to enter into an agreement with the Webshop. Councilor Kuiper seconded. After the following activity, there was a roll call vote. With five affirmatives and no negatives, the motion passed. The authorization to enter into agreement with Web Shop subject to the amendment, was approved.

Councilor Herak moved to amend the motion to include an instruction to the Redevelopment Director to include concurrent with the acceptance, a letter notifying vendor of intention to cancel at the end of the service term. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The motion was amended.

**Comments from the Town Council Members**  
**(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen commended all public workers for their response to the blizzard event on February 2, 2011. The Town of Highland experienced 23.9 inches of snowfall.

Councilor Zemen also expressed a hope that the issue of the Main Street Program would be a subject of discussion at the next study session of the Town Council.

Councilor Zemen recognized the Redevelopment Director who reported that the Redevelopment Commission was working on developing a façade improvement grant program. She reported that the Commission was setting aside \$100,000 for this purpose. The early reported census data indicated that the Town of Highland increased in population, with a 2010 Census population of 23,727. Total housing units now number 10,335.

- **Councilor Mark Herak:** *Budget Committee Chair • Board of Sanitary Commissioners, Liaison • Board of Waterworks Directors, Liaison • Community Events Commission, Liaison.*

Councilor Herak commended all public workers for their response to the blizzard event on February 2, 2011. The Town of Highland experienced 23.9 inches of snowfall. He further commended the Redevelopment Director for her efforts in coordinating the complete count efforts.

- **Councilor Dan Vassar:** • *Plan Commission member.*

Councilor Vassar commended all public workers for their response to the blizzard event on February 2, 2011. The Town of Highland experienced 23.9 inches of snowfall. He further commended the Redevelopment Director for her efforts in coordinating the complete count efforts.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Plan Commission member.*

Councilor Kuiper praised the public workers for its response to the February 2, 2011 blizzard event.

- **Council President Brian Novak:** • *Town Executive • Police Pension Board of Trustees Chair • Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member.*

The Town Council President joined with other councilors in praising the public work force response to the February 2, 2011 blizzard.

#### **Comments from the Public or Visitors**

1. Colleen Aguirre, 2922 Churchill Lane, Highland, also of Operation SOS commended the support and assistance of Councilor Vassar related to the SOS efforts sending packages to members of the armed forces serving in Iraq and Afghanistan. She further reported that 600 packages were sent for Valentine's Day. She thanked
2. Rick Volbrecht, 9221 Parkway Drive, Highland, commented on the objecting petition that he and 28 other Highland taxpayers filed on October 25, 2010 objecting to the proposed 2011 Park Lease levy supporting the financing of the reconstruction of the Lincoln Community Center. He noted that sometime in late February or early March, there will be a budget hearing at which the objections will be considered. Mr. Volbrecht expressed disappointment in his belief that local newspapers had not covered this matter.

Mr. Volbrecht further indicated that he noticed the recent reports of candidate filings and noted that two who had previously filed and ran as members of the Highland First Coalition were now filing as Democrats. He also noted that Councilor Herak had not filed.

3. Frank Tokoly, 3520 Garfield, Highland, presented and petition from the residents of the 3500 block of Garfield Avenue, in support of curbs for which the petitioners are willing to be assessed in order to support their installation. It was noted the road is set for reconstruction and the current public way has no curbs.
4. Tom Schuyler, \_\_\_\_\_, spoke as a member of the local Kiwanis Club to encourage Town Officials and others to participate in a Kiwanis sponsored cook-off scheduled for March 11, 2011. Mr. Schuyler noted that some departments may be participating already.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending vendor's pay docket, covering the period January 04, 2011 through to February 14, 2011 as well as the payroll accounts payable docket, for the payday of December 31, 2011. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$777,005.49; Motor Vehicle Highway and Street (MVH) Fund, \$114,039.32; Forfeited and Seized Assets Fund, \$1,830.75; Law Enforcement Cont. Education and Supply Fund, \$982.90; Corporation Bond and Interest (Exempt) Fund, \$66,356.56; Capital Projects Retainage Agency Fund, \$98,675.80; Corporation Bond and Interest Fund, \$230,612.50; Flexible Spending Account Agency Fund, \$4,366.15; Insurance Premium Fund, \$131,803.88; Information and Communications Technology Fund, \$10,224.97; Civil Donation Fund, \$2,061.79; Special Events Non Reverting Fund, \$5,000.00; Select Centennial Commission Fund, \$56.25; Rainy Day**

**Fund, \$110,000.00; Police Pension Fund, \$58,310.24.00; Municipal Cumulative Capital Development Fund, \$30,069.92; General Improvement Fund, \$38,358.18; Traffic and Law Violations Agency Fund, \$10,075.00; Law Enforcement Block Grant Fund, \$700.00; Safe Neighborhood Grant Fund, \$5,330.00; Sexual Predator Grant Fund, \$5,266.80; Gaming Revenue Sharing Fund, \$1,468.00; Corporation Capital Fund, \$7,632.97; Payroll Fund, \$5.29; Total: \$1,734,021.01.**

December 31, 2010 Payroll Docket on file.

**Adjournment.** Councilor Kuiper moved that the meeting be adjourned. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The regular meeting of the Town Council of Monday, February 14, 2011 was adjourned at 8:49 O'clock p.m. No study session followed.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer